



SENATE JOINT RESOLUTION No. 6

DIGEST OF INTRODUCED RESOLUTION

Citations Affected: Articles 4 and 5 of the Constitution of the State of Indiana.

Synopsis: President of the senate. Amends the Constitution of the State of Indiana to: (1) remove the lieutenant governor as presiding officer and participant in the activities of the senate; (2) require the president of the senate to be a member of the senate; and (3) make conforming changes in Articles 4 and 5 of the Constitution of the State of Indiana.

Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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January 13, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular General Assembly.

SENATE JOINT RESOLUTION No. 6

A JOINT RESOLUTION proposing an amendment to Article 4 and Article 5 concerning the general assembly.

Be it resolved by the General Assembly of the State of Indiana:

- 1 SECTION 1. The following amendment to the Constitution of the
2 State of Indiana is proposed and agreed to by this, the One Hundred
3 Thirteenth General Assembly of the State of Indiana, and is referred to
4 the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. ARTICLE 4, SECTION 10 OF THE CONSTITUTION
6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
7 FOLLOWS: (a) Each house, when assembled, shall choose its own
8 officers; ~~the President of the Senate excepted~~; judge the elections,
9 qualifications, and returns of its own members; determine its rules of
10 proceeding, and sit upon its own adjournment. But neither house shall,
11 without the consent of the other, adjourn for more than three days, nor
12 to any place other than that in which it may be sitting.
- 13 (b) **The President of the Senate must be a member of the Senate.**
- 14 SECTION 3. (a) **This SECTION applies if, at the general election**



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1 held on November 2, 2004, the electors of Indiana do not ratify the
 2 amendment to Article 5, Section 10 of the Constitution of the State
 3 of Indiana agreed to by the General Assembly under P.L.128-2002
 4 and P.L.280-2003.

5 (b) ARTICLE 5, SECTION 10 OF THE CONSTITUTION OF THE
 6 STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS:
 7 Section 10. (a) In case the Governor-elect fails to assume office, or in
 8 case of the death or resignation of the Governor or ~~his~~ removal **of the**
 9 **Governor** from office, the Lieutenant Governor shall become
 10 Governor and hold office for the unexpired term of the person whom
 11 ~~he~~ **the Lieutenant Governor** succeeds. In case the Governor is unable
 12 to discharge the powers and duties of ~~his~~ **the Governor's** office, the
 13 Lieutenant Governor shall discharge the powers and duties of the office
 14 as Acting Governor.

15 (b) Whenever there is a vacancy in the office of Lieutenant
 16 Governor, the Governor shall nominate a Lieutenant Governor who
 17 shall take office upon confirmation by a majority vote in each house of
 18 the General Assembly and hold office for the unexpired term of the
 19 person whom ~~he~~ **the Lieutenant Governor** succeeds. If the General
 20 Assembly is not in session, the Governor shall call it into special
 21 session to receive and act upon the Governor's nomination. In the event
 22 of the inability of the Lieutenant Governor to discharge the powers and
 23 duties of ~~his~~ **the Lieutenant Governor's** office, the General Assembly
 24 may provide by law for the manner in which a person shall be selected
 25 to act in ~~his~~ **the Lieutenant Governor's** place and declare which
 26 powers and duties of the office such person shall discharge.

27 (c) Whenever the Governor transmits to the President ~~pro tempore~~
 28 of the Senate and the Speaker of the House of Representatives ~~his~~ **the**
 29 **Governor's** written declaration that ~~he~~ **the Governor** is unable to
 30 discharge the powers and duties of ~~his~~ **the Governor's** office, and until
 31 ~~he~~ **the Governor** transmits to them a written declaration to the
 32 contrary, such powers and duties shall be discharged by the Lieutenant
 33 Governor as Acting Governor. Thereafter, when the Governor transmits
 34 to the President ~~pro tempore~~ of the Senate and the Speaker of the
 35 House of Representatives ~~his~~ **the Governor's** written declaration that
 36 no inability exists, ~~he~~ **the Governor** shall resume the powers and
 37 duties of ~~his~~ **the Governor's** office.

38 (d) Whenever the President ~~pro tempore~~ of the Senate and the
 39 Speaker of the House of Representatives file with the Supreme Court
 40 a written statement suggesting that the Governor is unable to discharge
 41 the powers and duties of ~~his~~ **the Governor's** office, the Supreme Court
 42 shall meet within forty-eight hours to decide the question and such

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1 decision shall be final. Thereafter, whenever the Governor files with
 2 the Supreme Court ~~his~~ **the Governor's** written declaration that no
 3 inability exists, the Supreme Court shall meet within forty-eight hours
 4 to decide whether such be the case and such decision shall be final.
 5 Upon a decision that no inability exists, the Governor shall resume the
 6 powers and duties of ~~his~~ **the Governor's** office.

7 (e) Whenever there is a vacancy in both the office of Governor and
 8 Lieutenant Governor, the General Assembly shall convene in joint
 9 session forty-eight hours after such occurrence and elect a Governor
 10 from and of the same political party as the immediately past Governor
 11 by a majority vote of each house.

12 **SECTION 4. (a) This SECTION applies if, at the general election**
 13 **held on November 2, 2004, the electors of Indiana ratify the**
 14 **amendment to Article 5, Section 10 of the Constitution of the State**
 15 **of Indiana agreed to by the General Assembly under P.L.128-2002**
 16 **and P.L.280-2003.**

17 **(b) ARTICLE 5, SECTION 10 OF THE CONSTITUTION OF THE**
 18 **STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS:**
 19 Section 10. (a) In case the Governor-elect fails to assume office, or in
 20 case of the death or resignation of the Governor or the Governor's
 21 removal from office, the Lieutenant Governor shall become Governor
 22 and hold office for the unexpired term of the person whom the
 23 Lieutenant Governor succeeds. In case the Governor is unable to
 24 discharge the powers and duties of the office, the Lieutenant Governor
 25 shall discharge the powers and duties of the office as Acting Governor.

26 (b) Whenever there is a vacancy in the office of Lieutenant
 27 Governor, the Governor shall nominate a Lieutenant Governor who
 28 shall take office upon confirmation by a majority vote in each house of
 29 the General Assembly and hold office for the unexpired term of the
 30 previous Lieutenant Governor. If the General Assembly is not in
 31 session, the Governor shall call it into special session to receive and act
 32 upon the Governor's nomination. In the event of the inability of the
 33 Lieutenant Governor to discharge the powers and duties of the office,
 34 the General Assembly may provide by law for the manner in which a
 35 person shall be selected to act in the Lieutenant Governor's place and
 36 declare which powers and duties of the office such person shall
 37 discharge.

38 (c) Whenever the Governor transmits to the President *pro tempore*
 39 of the Senate and the Speaker of the House of Representatives the
 40 Governor's written declaration that the Governor is unable to discharge
 41 the powers and duties of the office, and until the Governor transmits to
 42 them a written declaration to the contrary, such powers and duties shall

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1 be discharged by the Lieutenant Governor as Acting Governor.
 2 Thereafter, when the Governor transmits to the President ~~pro tempore~~
 3 of the Senate and the Speaker of the House of Representatives the
 4 Governor's written declaration that no inability exists, the Governor
 5 shall resume the powers and duties of ~~his~~ the office.

6 (d) Whenever the President ~~pro tempore~~ of the Senate and the
 7 Speaker of the House of Representatives file with the Supreme Court
 8 a written statement suggesting that the Governor is unable to discharge
 9 the powers and duties of the office, the Supreme Court shall meet
 10 within forty-eight hours to decide the question and such decision shall
 11 be final. Thereafter, whenever the Governor files with the Supreme
 12 Court the Governor's written declaration that no inability exists, the
 13 Supreme Court shall meet within forty-eight hours to decide whether
 14 such be the case and such decision shall be final. Upon a decision that
 15 no inability exists, the Governor shall resume the powers and duties of
 16 ~~his~~ the office.

17 (e) Whenever there is a vacancy in both the office of Governor and
 18 Lieutenant Governor, the General Assembly shall convene in joint
 19 session forty-eight hours after such occurrence and elect a Governor
 20 from and of the same political party as the immediately past Governor
 21 by a majority vote of each house. If either house of the General
 22 Assembly is unable to assemble a quorum of its members because of
 23 vacancies in the membership of that house, the General Assembly shall
 24 convene not later than forty-eight hours after a sufficient number of the
 25 vacancies are filled to provide a quorum of members for that house.

26 (f) An individual holding one (1) of the following offices shall
 27 discharge the powers and duties of the Governor if the office of
 28 Governor and the office of Lieutenant Governor are both vacant, in the
 29 order listed:

- 30 (1) The Speaker of the House of Representatives.
- 31 (2) The President ~~pro tempore~~ of the Senate, if the office
- 32 described in subdivision (1) is vacant.
- 33 (3) The Treasurer of State, if the offices described in subdivisions
- 34 (1) and (2) are vacant.
- 35 (4) The Auditor of State, if the offices described in subdivisions
- 36 (1) through (3) are vacant.
- 37 (5) The Secretary of State, if the offices described in subdivisions
- 38 (1) through (4) are vacant.
- 39 (6) The State Superintendent of Public Instruction, if the offices
- 40 described in subdivisions (1) through (5) are vacant.

41 (g) An individual's authority to discharge the Governor's powers and
 42 duties under subsection (f) ends when the General Assembly fills the

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1 office of Governor under this section.

2 SECTION 5. THE CONSTITUTION OF THE STATE OF
3 INDIANA IS AMENDED BY STRIKING OUT ARTICLE 5,
4 SECTION 11.

5 SECTION 6. THE CONSTITUTION OF THE STATE OF
6 INDIANA IS AMENDED BY STRIKING OUT ARTICLE 5,
7 SECTION 21.

8 SECTION 7. ARTICLE 5, SECTION 23 OF THE CONSTITUTION
9 OF THE STATE OF INDIANA IS AMENDED TO READ AS
10 FOLLOWS: Section 23. ~~The Lieutenant Governor, while he shall act~~
11 ~~as President of the Senate, shall receive, for his services, the same~~
12 ~~compensation as Speaker of the House of Representatives; and Any~~
13 ~~person, acting as Governor, shall receive the compensation attached to~~
14 ~~the office of Governor.~~

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